



USDA NATURAL RESOURCES CONSERVATION SERVICE

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TO: Polly Lowry

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FROM: Dan Johnson

DATE: 11/5/04

NUMBER OF PAGES (INCLUDING TRANSMITTAL SHEET): 3

COMMENTS:

Hi Polly,

Here are our thoughts and suggestions.

Thanks,

Dan



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Polly Lowry
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670

Dear Ms. Lowry,

Thank you for the opportunity to provide comments on the administrative draft of the NPDES General Permit for CAFOs. We understand that a final draft will be prepared and distributed at a later date seeking comments from a broader audience. Most of our comments for this draft are intended to address the overall process. We will make any element specific comments we may have on the final draft.

NRCS strongly supports the need for dairy producers to prepare and implement effective manure management plans. However, we are concerned that the permit, as proposed, may not result in maintaining or improving water quality. It's likely that plans developed would not be implemented and submitted reports would not serve as a true indicator of water quality protection. We offer the following points and suggestions:

- **Permit Complexity** - There is an opportunity to simplify the description of what is expected of dairy producers. The "Prohibitions" and "General Specifications" sections of the permit document should contain ALL of these types of requirements. As drafted, similar items such as setback requirements are found in other documents. In general, consolidating all like information into a single document or section would reduce complexity. In addition, we suggest that a "plain language" document, targeting dairy producers themselves, be prepared and distributed with the final draft.
- **Monitoring and Reporting** - With the exception of non-compliance and surface water discharge events, reduce monitoring and reporting requirements to those needed as part of the dairy producer's facilities plan (Waste Management Plan) and their Nutrient Management Plan. Allow the dairy producer to submit "reports" by simply making copies of the monitoring records they are already keeping.
- **Groundwater Monitoring** - Groundwater monitoring is proposed as the method of evaluating effectiveness of manure management practices in protecting groundwater. Groundwater monitoring may be effective where surface soils are sandy and the water table is very shallow and unconfined. In other settings groundwater testing results may be inconclusive due to contaminant movement time lag and uncertainty of its source. In addition, requiring dairy producers to direct money to groundwater monitoring may detract from applying improved manure management practices. Our experience indicates that most dairy producers will need to invest significant amounts of money into making

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manure management improvements. We suggest that alternatives such as systematic deep rootzone soil testing (perhaps by a third party) be considered.

- Nutrient Management Plan – Attachment D, item #5 is a short description of what a dairy producer should have to make nutrient management decisions. We believe that additional details are needed to more clearly define nutrient management (crop nutrient requirements, application rates, proper timing, accounting for losses, etc.)
- Professional Services – The availability of licensed and/or certified professionals to assist dairy producers and the cost of providing technical assistance may be issues, as required in this draft. We have recently contracted with consulting firms to prepare and implement Comprehensive Nutrient Management Plans (CNMPs). During the qualifications and bidding process we confirmed that: 1) few firms have the knowledge to design integrated manure and storm water handling systems that also address nutrient management needs; 2) few firms have the knowledge to develop effective nutrient management plans; and 3) a plan that addresses the engineering and agronomy needs may cost over of \$100,000 depending on the level of engineering analysis required. We suggest that the permit be written to more effectively take advantage of resources in CDQAP, the dairy industry, NRCS, the consulting industry and others.

We encourage RB5 to work with NRCS, CDQAP, and other partners to explore opportunities to:

- Identify effective standards, practices and procedures;
- Address the important need to verify water quality protection;
- Address staffing limitations; and
- Develop a strategy to set and meet mandated timelines.

RB5 is in a position to provide leadership that will result in the timely development of an effective NPDES strategy.

Thank you for this opportunity to comment on the Draft NPDES General Permit for CAFOs. If you have questions regarding these comments please contact Dan Johnson, State Water Management Engineer (530) 792-5625).

Charles K. Davis

CHARLES K. DAVIS
State Conservation Engineer

Cc: Chuck Bell, State Conservationist, NRCS, Davis
Diane Holcomb, State Resource Conservationist, NRCS, Davis

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